

9 – BUILDING

Compilation Number	Ordinance Number	Subject
9-1	[Repealed]	
9-2	1015 as amended by 1634 and 2008	Seasonal Decorations
9-3	[Repealed]	
9-4	[Repealed]	
9-5	[Repealed]	
9-6	[Repealed]	
9-7	1358 as amended by 1464, and 2008	Moving of Buildings
9-8	[Repealed]	
9-9	[Repealed]	
9-10	[Repealed]	
9-11	[Repealed]	
9-12	[Repealed]	
9-13	1652	Technical and Environ Mental Services Charges
9-14	1762	Mobile Home Inspection and Permits
9-15	[Repealed]	
9-16	[Repealed]	
9-17	1999 as amended by 2008	Building Nuisances
9-18	2092	Signs
9-19	Repealed by 2293	
9-20	[Repealed by 2214]	
9-21	[Repealed by 2214]	
9-22	[Repealed by 2214]	
9-23	[Repealed by 2214]	
9-24	[Repealed by 2214]	
9-25	[Repealed by 2293]	
9-26	[Repealed by 2293]	
9-27	2293	Adopting Specialty Codes, Building Official Duties and Penalty Provisions

ORDINANCE NO. 1015

AN ORDINANCE RELATING TO STREET DECORATIONS, ADVERTISING BANNERS, AND SIMILAR DISPLAYS; AND DECLARING AN EMERGENCY.**THE PEOPLE OF THE CITY OF WOODBURN DO ORDAIN:**

Section 1. No persons shall install seasonal decorations or advertising banners, or similar displays upon, along or across streets of the city of Woodburn except as provided in this ordinance.

Section 2. All persons or organizations desiring to temporarily install seasonal decorations, advertising banners, or similar displays on poles owned by a public utility in the city of Woodburn upon, along or across the city streets shall file a written request with the city recorder that the street commissioner of the city of Woodburn install, maintain and remove or supervise the installation, maintenance and removal of the decorations, banners or displays.

Section 3. Upon approval of such request by the common council or by a city officer authorized by the council to approve such requests, the street commissioner shall install, maintain and remove, or supervise the installation, maintenance and removal of such decorations, banners and displays in conformity with the requirements of the owner of any public utility poles and all other buildings, poles or other objects to which the decorations, banners or displays are attached.

Section 4. The public utility company which owns the poles, and the owners of all buildings and objects to which such decorations or advertising banners are attached, shall not be liable for any damages to persons or property resulting from the installation, maintenance, and removal thereof by or under the supervision of the street commissioner of the city of Woodburn.

Section 4A. Civil Infraction Assessment. A violation of any provision of this ordinance constitutes a class 4 civil infraction and shall be dealt with according to the procedures established by Ordinance 1998. [Section 4A as amended by Ordinance 2008, passed October 24, 1988.]

Section 5. [Emergency clause.]

Passed by the council and approved by the mayor November 18, 1958.

ORDINANCE NO. 1358

AN ORDINANCE REGULATING THE MOVING OF BUILDINGS; PROVIDING FOR PROTECTION TO THE CITY FROM DAMAGES ARISING FROM SUCH MOVING; REQUIRING PERMITS AND FEES; PRESCRIBING PENALTIES FOR VIOLATION; AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF WOODBURN DO ORDAIN:

Section 1. Definitions.

(a) Building. Any structure designed, built or occupied as a shelter or covered enclosure for persons, animals or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational or recreational purposes. The following structures shall not fall within this definition:

- (1) Trailers, mobile homes.
- (2) Portable structures on skids.
- (3) Prefabricated utility or construction sheds with floor space less than 225 square feet.
- (4) Other structures with floor space less than 100 square feet and height less than 15 feet.

(b) City. City of Woodburn, Oregon.

(c) Person. Any individual person, firm, partnership, association, corporation, company or organization of any kind.

Section 2. Permits. No person shall move any building over, along or across any highway, street, alley, sidewalk or public right-of-way in the city without first obtaining a permit from the city. A person seeking such a permit shall file an application for such permit with the city. The application shall be in writing on a form provided by the city for such purpose. The application shall contain the following:

- (a) A description of the building proposed to be moved, including address, construction materials, dimensions, number of rooms and general condition.
- (b) Legal descriptions of the lots from and to which the building is to be moved, including lot, block and tract numbers if within the city.
- (c) The portion of the lot to be occupied by the building where moved, if within the city.
- (d) The specific highways, streets, alleys, sidewalks and rights-of-way over, along or across which the building is to be moved.

(e) Date and hours of movement.

(f) Any additional information which the city engineer shall find necessary for a fair determination of whether a permit should [be issued].

Section 3. Tax Certificate. The owner of the building to be moved shall file with the application sufficient evidence that the building and lot from which it is to be moved are free of all city taxes and city charges and assessments against the same are paid in full.

Section 4. Certificate of Ownership or Entitlement. The applicant, if other than the owner, shall file with the application a written statement or document of sale signed by the owner, or other sufficient evidence that he is entitled to move the building.

Section 5. Permit Fee. The fee to be paid for each permit under this ordinance shall be \$0.05 per square foot of floor space for one-story structures. Fees for structures in excess of one story shall be \$0.05 per square foot of floor space for the lowermost story, and \$0.03 per square foot of floor space of each additional story.

Section 6. Deposit for Expense to City. Upon receipt of an application, it shall be the responsibility of the city to estimate the expense that will be incurred in removing and replacing any electric wires, street lamps or pole lines belonging to the city, or any other property of the city, the removal and replacement of which will be required by reason of the moving of the building through the city, together with the cost of materials necessary to be used in making such removals and replacements. Prior to issuance of the permit, applicant shall deposit with the city a sum of money equal to twice the amount of the estimated expense.

Section 7. Insurance. An application hereunder shall be accompanied by a certificate of insurance certifying that the applicant has obtained a general liability insurance policy, issued by an insurance company authorized to do business in the state of Oregon, and approved as to form by the city attorney, which policy shall provide no less than the following coverage amounts:

- (a) \$100,000.00 bodily injury to one person.
- (b) \$300,000.00 per occurrence.
- (c) \$50,000.00 property damage.

Section 8. Duties of the City.

(a) Inspection. The city engineer shall inspect the building and the applicant's equipment to determine whether the standards for issuance of a permit are met.

- (b) Standards for Issuance. The city shall refuse to issue a permit if it finds:

9-7.8

9-7.11

(1) That any application requirement or any fee or deposit requirement has not been complied with;

(2) That the building is too large to move without endangering persons or property in the city;

(3) That the building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the city;

(4) That the building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the city;

(5) That the applicant's equipment is unsafe and that persons and property would be endangered by its use;

(6) That zoning or other ordinances would be violated by the building in its new location; [or]

(7) That for any other reason persons or property in the city would be endangered by the moving of the building.

Section 9. Return of Deposits.

(a) Return upon nonissuance. Upon refusal to issue a permit, the city shall return to the applicant all deposits and insurance policies. Permit fees filed with the application shall not be returned.

(b) Return upon allowance for expense. After the building has been removed, the city engineer shall furnish the city administrator with a written statement of all expenses incurred in removing and replacing all property belonging to the city, and of all material used in the making of the removal and replacement, together with a statement of all damage caused to or inflicted upon property belonging to the city. If any wires, poles, lamps or other property are not located in conformity with governing ordinances, the permittee shall not be liable for the costs of removing the same. The city administrator shall authorize the city engineer to return to the applicant all deposits after deducting the sum sufficient to pay for all of the costs and expenses and for all damage done to property of the city by reason of the removal of the building. Permit fees deposited with the application shall not be returned. [Section 9 as amended by Ordinance No. 1464, passed February 24, 1975.]

Section 10. Routes. The city engineer shall prepare a route over which the building may be moved. In doing so, he shall take into consideration maximum safety to all relevant engineering consequences. The route shall be stated in the permit, and any building shall be moved only over said route.

Section 11. Responsibilities of Permittee. Permittee shall:

9-7.11

9-7.14

(a) Notify the city in writing of any and all damage done to property belonging to the city within 24 hours after such damage has occurred.

(b) Cause red lights to be displayed during the nighttime on every side of the building, while standing on a street, in such manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such manner as to protect the public from damage or injury by reason of the removal of the building.

(c) Remove the building from the city streets after a reasonable period of time to be determined by the city engineer.

(d) Comply with the building code, the fire zone, the zoning ordinance, and all other applicable ordinances and laws, upon relocating the building in the city.

(e) Pay the expense of a traffic officer ordered by the city to accompany the movement of the building to protect the public from injury.

(f) Remove all rubbish and materials and fill all excavations to existing grade at the original building site so that the premises are left in a safe and sanitary condition.

(g) Insure that the sewer line is plugged with a concrete stopper, the water shot off, and the meter returned to the city. Permittee shall notify the gas and electric service companies to remove their services.

Section 12. Enforcement.

(a) Permittee liable for expense above deposit. The permittee shall be liable for any expense, damages or costs in excess of deposited amounts or securities, and the city attorney shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such excessive amounts.

(b) Original premises left unsafe. The city shall proceed to do the work necessary to leave the original premises in a safe and sanitary condition, where permittee does not comply with the requirements of this ordinance, and the cost thereof shall be charged against the general deposit.

Section 13. Severability. Each section, subsection or other portion of this ordinance shall be severable; the invalidity of any section, subsection or other portion shall not invalidate the remainder.

Section 14. Civil Infraction Assessment. A violation of any provision of this ordinance constitutes a class 2 civil infraction and shall be dealt with according to the procedures established by Ordinance 1998. [Section 14 as amended by Ordinance 2008, passed October 24, 1988.]

Passed by the Council and approved by the Mayor June 11, 1993.

9-13.1

9-13.3

ORDINANCE NO. 1652

AN ORDINANCE ASSESSING A TECHNICAL AND ENVIRONMENTAL SERVICES CHARGE AND PROVIDING FOR ITS EXPENDITURE.

[Whereas clauses.]

THE PEOPLE OF THE CITY OF WOODBURN DO ORDAIN:

Section 1. Construction Fee. That a fee of one dollar (\$1.00) per one thousand dollars (\$1,000) of construction value shall be charged to all new construction in the City of Woodburn.

Section 2. Fee Collection. This fee shall be collected by the Building Official prior to issuance of a building permit.

Section 3. Technical and Environmental Services Fund. The monies collected shall be placed in a special Technical and Environmental Services Fund. This fund shall be used to meet the expenses necessary in providing planning and code enforcement services.

*Passed by the Council January 22, 1979, and approved by the Mayor
January 23, 1979.*

9-14.1

9-14.3

ORDINANCE NO. 1762

AN ORDINANCE PROVIDING FOR INSPECTION AND ISSUANCE OF PERMITS FOR MOBILE HOME INSTALLATION AND DECLARING AN EMERGENCY.

[Whereas clause.]

THE PEOPLE OF THE CITY OF WOODBURN DO ORDAIN:

Section 1. Inspections. Under authority of ORS 446.250, the City of Woodburn shall cause inspections to be made, approve plans and specifications, provide technical services and issue permits for installation of mobile homes and mobile home accessory buildings and structures on a lot.

Section 2. Fees. The City of Woodburn shall collect, retain and have use of any fees required by state law to be paid in connection with the inspections listed in Section 1.

Section 3. [Emergency clause.]

Passed by the Council August 10, 1981, and approved by the Mayor August 12, 1981.

ORDINANCE NO. 1999

AN ORDINANCE PROVIDING FOR THE ABATEMENT OF BUILDING NUISANCES; REPEALING ORDINANCE 1620; AND DECLARING AN EMERGENCY.

[Whereas clauses.]

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Definitions. For the purposes of this ordinance, the following mean:

Dangerous Building.

(a) A structure that, for lack of proper repairs or because of age and dilapidated condition or of poorly installed electrical wiring or equipment, defective chimney, gas connection or heating apparatus, or for any other reason, is liable to cause fire, and which is situated or occupied in a manner that endangers other property or human life.

(b) A structure containing combustible or explosive materials or inflammable substances liable to cause fire or danger to the safety of the building, premises or to human life.

(c) A structure that is in a filthy or unsanitary condition liable to cause the spread of contagious or infectious disease.

(d) A structure in such a weak, dilapidated or deteriorated condition that it endangers a person or property because of the probability of partial or entire collapse.

Person. Every natural person, firm, partnership, association or corporation.

Section 2. Nuisance Declared. Every building found by the Council to be a dangerous building is declared to be a public nuisance and may be abated by the procedures specified in this ordinance or by a suit for abatement brought by the city.

Section 3. Initial Action. When a city official determines that there is a dangerous building, the official shall report it to the Council. The Council shall, within a reasonable time, fix a time and place for a public hearing.

Section 4. Mailed Notice.

(a) The City Recorder shall notify the owner of the building and, if not the same person, the owner of the property on which the building is situated. The notice shall state:

(1) That a hearing will be held concerning the nuisance character of the property, and

9-17.4

9-17.9

(2) The time and place of the hearing.

(b) A copy of this notice shall be posted on the property.

Section 5. Published Notices. Ten days' notice of the hearing shall be published in a newspaper of general circulation in the city or by posting notices in three public places in the city.

Section 6. Hearing.

(a) At the hearing, the owner or other persons interested in the dangerous building shall have a right to be heard.

(b) The Council may inspect the building and may consider the facts observed by it in determining if the building is dangerous.

(c) If the Council determines that the building is dangerous, the Council may by resolution:

(1) Order the building to be abated; or

(2) Order the building to be made safe and prescribe what must be done to make it safe.

Section 7. Council Order; Notice. Five day's notice of the Council's findings and any order made by the Council shall be given to the owner of the building, the owner's agent or other person controlling it. If the orders are not obeyed and the building not made safe within the time specified by the order (being not less than five days), the Council may order the building demolished or made safe at the expense of the property on which it is situated.

Section 8. Abatement by the City.

(a) If the Council orders are not complied with, the Council may:

(1) Specify the work to be done;

(2) Advertise for bids for doing the work in the manner provided for advertising for bids for street improvements.

Section 9. Assessment.

(a) The Council shall determine the probable cost of the work and assess the costs against the property upon which the building is situated. The assessment shall be declared by resolution, and it shall be entered in the docket of city liens and become a lien against the property.

9-17.9

9-17.14

(b) The creation of the lien and the collection and enforcement of the cost shall be performed in substantially the same manner as assessments for street improvements.

Section 10. Summary Abatement. The procedures of this ordinance need not be followed if a building is unmistakably dangerous and imminently endangers human life or property. In this instance, the city may summarily demolish the building.

Section 11. Errors in Procedure. Failure to conform to the requirements of this ordinance that does not substantially affect a legal right of a person does not invalidate a proceeding under this ordinance.

Section 12. Civil Infraction.

(a) A violation of any provision of this ordinance constitutes a class 1 civil infraction and shall be dealt with according to the procedures established by Ordinance 1998. [Section 12(a) as amended by Ordinance 2008 passed October 24, 1988.]

(b) Subsection (a) of this section provides an alternative remedy to the abatement provisions contained elsewhere in this ordinance and shall not be read to prohibit abatement of building nuisances as so provided.

Section 13. Repeal. Ordinance 1620 is hereby repealed.

Section 14. [Emergency clause.]

Passed by the Council May 23, 1988, and approved by the Mayor May 23, 1988.

ORDINANCE NO. 2092

AN ORDINANCE RELATING TO SIGNS, PRESCRIBING PENALTIES, REPEALING ORDINANCE 1827, AND DECLARING AN EMERGENCY.**THE CITY OF WOODBURN ORDAINS AS FOLLOWS:**

SECTION 1. PURPOSE AND INTENT. The purpose and intent of this ordinance is to promote the efficient transfer of information; to balance the desire of individuals to identify their businesses and convey their messages against the desire of the public to be protected against sign clutter and the unrestricted proliferation of signs; to preserve the right of free speech exercised through signs; and to protect the public health, safety and welfare.

SECTION 2. APPLICABILITY. This ordinance applies to signs within the City limits and all the planning districts of the City of Woodburn. The regulations are not intended, and shall not be interpreted, to restrict the content of signs and shall be so interpreted. Other regulations of the City may also apply to signs.

SECTION 3. EXEMPT SIGNS. The following signs are exempt from the regulations of this ordinance, but may be subject to other regulations of the City.

(A) Signs authorized and installed by public utilities, such as electricity, natural gas, telephone and cable television, which are directly related to plant and materials in the public right-of-way and easements, and which aid public safety, identify the location of underground or above ground facilities, or assist the public utility in the maintenance of its facilities. Signs erected for office uses, storage yards and other primary activities of the agency or company are not exempt.

(B) Signs erected by the City of Woodburn.

(C) Signs and traffic control devices erected by the State of Oregon or Marion County in the public right-of-way for traffic control, traffic safety or public works construction purposes.

(D) Signs inside a building, except window signs.

(E) Signs affixed to vehicles where the communicative purpose is incidental to the use as a vehicle.

(F) Street addresses.

(G) "Neighborhood Watch" and "Block Home" signs.

(H) City-awarded plaques related to historic resources.

SECTION 4. DEFINITIONS. As used in this ordinance, unless the context otherwise requires:

9-18.4

9-18.4

(A) Construct. Means to build, erect, attach, hang, place, suspend, paint, affix, or otherwise bring into being.

(B) Integrated Business Center. A group of two or more businesses which are planned and designed as a center, whether or not the businesses, buildings or land are under common ownership.

(C) Maintain. Means to permit a sign, sign structure or part thereof to continue or to repair or refurbish a sign, sign structure or part thereof.

(D) Non-Structural Trim. Means the molding, battens, caps, nailing strips and latticing letters and walkaways which are attached to a sign structure.

(E) Painted Wall Decorations. Displays painted directly on a wall, designed and intended as a decorative or ornamental feature. Decorations may also include lighting.

(F) Painted Wall Highlights. Means painted area which highlights a building's architectural or structural features.

(G) Person. A natural person, his heirs, executors, administrators, or assigns and also included a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid, and any political subdivision, agency, board or bureau of the State.

(H) Premises. One or more lots on which are constructed or on which are to be constructed a building or a group of buildings designed as a unit.

(I) Ridge Line. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys or other minor projections.

(J) Sign. An identification, description, illustration, symbol, letter, number, logo, fluorescent tube or row of tubes, incandescent bulb or string of bulbs, or graphic information or device, but not an architectural feature of a building, including the structural supports, which is affixed directly or indirectly, or temporarily or permanently, upon a building, vehicle, structure or land. Signs identify or direct attention to a product, place, activity, person, institution, business, use, idea, belief, candidate or political issue. Murals and painted highlights are not signs. "Sign" includes, but is not limited to:

(1) A-Frame (also known as an A-Board or Sandwich Board) Sign. A double-faced portable sign constructed with an A-shaped frame, composed of two sign boards attached at the top and separated at the bottom, and not supported by a structure in the ground.

(2) Awning Sign. A sign incorporated into or attached to an awning.

9-18.4

9-18.4

(3) Building Directory Sign. A sign giving the name and room number of location of the occupants of a building, limited to an attached wall sign.

(4) Combination Sign. A sign incorporation any combination of the features of a free standing, projecting or roof sign.

(5) Directional Sign. A permanent on-premises sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which the public is directed.

(6) Electric Sign. A sign utilizing electrical wiring.

(7) Flashing Sign. Means a sign or sign structure which is illuminated by an intermittent or sequential flashing light source whose interval is one second or less in duration, or which is in movement without actual physical movement or the illusion of a flashing or intermittent light or light source.

(8) Free Standing Sign. A sign supported by one or more uprights or braces in the ground and detached from any building or structure.

(9) Illuminated Sign. All or any portion of a sign that is illuminated by lamps, bulbs, tubes or other light source contained in or upon the sign.

(10) Lawn Sign. A temporary, free standing or A-frame sign.

(11) Non-Conforming Sign. A sign or sign structure that would not be allowed under the sign regulations presently applicable to the site.

(12) Off-Premises Sign. A sign advertising goods, products, businesses or services which are not sold, manufactured or distributed on or from the premises of facilities on which the sign is located.

(13) Projecting Sign. A sign attached to a building other than a wall sign in which the sign face is not parallel to the wall.

(14) Roof Sign. A sign erected on or attached to a roof.

(15) Under the Canopy Sign. A sign which hangs underneath a building canopy, awning or other projecting feature an perpendicular to the building wall face.

(16) Wall Sign. Any sign attached to, painted on, or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall.

(K) Sign Structure. Means the supports, braces and framework and foundations of the sign.

(L) Street Frontage. A lot line fronting on a street or highway.

9-18.5

9-18.6

SECTION 5. ADMINISTRATION.**(A) Sign Permit Required.**

(1) Except as provided in subsection (2) below, no person shall erect, construct, modify, relocate, use or replace a sign, change a sign face, or alter a sign or sign structure unless a sign permit and any required building permit and/or electrical permit have been issued.

(2) The following signs are not required to obtain a sign permit:

(a) exempt signs in accordance with Section 3 above,

(b) lawn signs,

(c) temporary window signs and displays that do not meet the definition of a sign, for example, murals. Notwithstanding that these signs need not obtain a sign permit, they shall comply with applicable regulations in this ordinance.

(3) A separate sign permit application shall be submitted for each sign erected, constructed, modified, relocated, replaced, face changed or structurally altered and for sign repair that includes these activities. Sign maintenance requires no permit. All proposed work on a sign shall be shown in the sign permit application.

(B) Application for Permit. Application for a sign permit shall be provided by the Building Official and shall contain or have attached the following information:

(1) Name, address, and telephone number of the applicant.

(2) A Site Plan which shows the site address, location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.

(3) A sketch showing the method of sign attachment, construction, materials, sign height and area dimensions design, stress of roof or cantilever type sign, sign footing and such other information as may be necessary so that the Building Official may determine the compliance of the sign with this ordinance.

(4) Name of person, firm corporation or association directing the construction.

(C) Sign Permit Fees. Fees for sign permit applications, extensions of sign permit approvals, sign variances, sign ordinance interpretations and other application actions set forth in this ordinance shall be established by the Woodburn City Council.

SECTION 6. SIGN MEASUREMENT.**(A) Sign Area.**

9-18.6

9-18.8

(1) Sign area is measured within lines drawn around and enclosing the perimeter of each cabinet, sign face or module; these shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, decorative roofing, foundations or supports provided there is no written advertising copy, symbols or logos on such embellishments.

(2) Sign area includes only one side of a multi-sided sign, regardless of the presence of sign copy on both or all sides. Where a sign is of a three dimensional, round or irregular solid shape, the largest cross section shall be used in a flat projection for the purpose of determining sign area.

(3) The areas of all signs in existence at the time of enactment of this ordinance, whether conforming or non-conforming, shall be counted in determining permitted sign area.

(4) If the sign is composed of individual letters or symbols using the wall as the background with or without added decoration, the total sign area shall be calculated by measuring the area within the perimeter of all symbols and letters or other decoration including logos. Inclusion of a logo or other symbol in a sign area calculation shall be determined as follows:

If the distance between the logo or symbol and the remainder of the sign is greater than one-half the width of the remainder or larger portion of the sign, then the logo shall be counted as a separate sign.

(B) Sign Height.

(1) The overall height of a free standing sign shall be measured from the average grade surrounding the sign structure for a distance of 20 feet.

SECTION 7. SETBACKS AND VISION CLEARANCE AREAS.

(A) Vision Clearance Area. No temporary or free standing sign shall be erected or maintained in a vision clearance area. Vision clearance areas, in addition to any prescribed by other ordinances, shall include:

(1) At the intersection of two street-front property lines, or a street front and an alley property line, a triangle formed by drawing a line 30 feet back along the street or alley fronting property lines and connecting them with a diagonal line.

(2) Along any frontage where there is an entrance onto or exit from any street or highway within 10 feet of the curb or edge of roadway.

SECTION 8. SIGNS IN RIGHT-OF-WAY.

No sign shall be placed in the public right-of-ways.

9-18.9

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SECTION 9. CERTAIN SIGNS PROHIBITED.

The following signs are prohibited in all cases:

(A) Signs resembling official traffic signs or signals, for example signs stating "stop," "go slow," "caution," "danger" and "warning," except officially authorized or installed by the City of Woodburn, State of Oregon or Marion County.

(B) Signs that create a safety hazard by obstructing clear view or pedestrians or vehicular traffic.

(C) Signs that glare, flash, reflect or appear to do any of these things.

(D) Signs on public property or within a street right-of-way except when authorized by the appropriate public agency.

(E) Any signs or advertising statuary which move or give the appearance of movement, except for barber poles.

(F) Signs or sign structures which produce movement achieved by normal wind currents.

SECTION 10. SIGN REGULATIONS BY TYPE OF SIGN.

(A) Projecting Sign

(1) Projecting signs shall not project more than 5 feet from the building and no closer than 3 feet to the curbline.

(2) Minimum clearance below projecting signs shall be 8 feet.

(B) Free Standing Signs

(1) A free standing sign shall be directly supported by poles or foundation supports in or upon the ground and meet the appropriate requirements outlined in the State of Oregon Structural Specialty Code.

(C) Roof Signs

(1) No roof sign shall extend more than a 4 feet above the eave line of a roof or parapet.

(D) Signs Under a Canopy

(1) Signs may be located under a canopy if vertical clearance or 8 feet is maintained between the sign and the grade below.

9-18.10

9-18.10

(2) No supporting member of any signs suspended under a marquee shall pierce or extend through the canopy.

(3) Canopy signs shall be limited to a vertical height of 12 inches and a maximum sign area of 4 square feet.

(E) Off-Premise Signs

(1) a) All off-premises signs shall be approved by the Woodburn Planning Commission prior to issuance of a permit.

b) The Woodburn Planning Commission shall grant a permit for off-premises signs only when the property owner or business owner can demonstrate that the existing signs allowed under this ordinance fail to relieve an unreasonable hardship and that the hardship can only be relieved by the erection of an off-premised sign, and erection of the sign will not in any way detract from any other property or be a detriment to the community.

c) All off-premises signs erected in the Light Industrial District shall not exceed 200 square feet in area nor a height of 30 feet.

d) The minimum distance between off-premises signs erected in the Light Industrial District on the same side of the street, road, or highway shall be 1000 feet.

e) Any permit issued under this section is nontransferable and the sign may only be used for the purpose for which it is granted.

f) Any decision by the Woodburn Planning Commission may be appealed to the City Council and the City Council may call up any action of the Planning Commission for reviewing using the same procedures as for a variance.

(F) Lawn Signs. Lawn signs may be erected subject to the following limitations without first obtaining a sign permit.

(1) For single family, duplex and multi-family uses.

a) They shall only be temporary pole or A-frame signs.

b) Number: On a property being offered for sale, one sign per public street frontage, but on properties other than the property being offered for sale, no more than 3 signs total may be erected. An unlimited number of additional lawn signs may be erected during the period preceding and extending no more than 12 days after a general, primary or special election.

c) Number of Sides: No more than two.

9-18.10

9-18.10

d) Height of Sign: Temporary pole signs shall be no higher than 6 feet. Temporary A-frame signs shall be no higher than 2 feet. Additional lawn signs erected during the election period specified above shall be no higher than 3 feet.

e) Sign Face Area: No more than 6 square feet, but additional lawn signs erected during the election period specified above shall be no more than 4 square feet.

f) Illumination: Not permitted.

g) Removal: On a property being offered for sale, they shall be removed within 30 days of sale or transfer of possession, whichever occurs first. Additional lawn signs shall be removed within 12 days after the election.

h) Consent: They shall be erected only with the documented consent of the property owner or authorized representative.

(2) For undeveloped residential subdivision lots and undeveloped land in the RS Planning District.

a) They shall only be temporary pole or monument signs.

b) Location on Site: On private property.

c) Number: Only one per public street frontage. An unlimited number of additional lawn signs may be erected during the period preceding and extending no more than 12 days after a general, primary or special election.

d) Number of Sides: No more than 2.

e) Height of Sign: No higher than 6 feet, except additional lawn signs erected during the election period specified above shall be no higher than 3 feet.

f) Sign Face Area: No more than 12 square feet.

g) Illumination: Not permitted.

h) Consent: They shall be erected only with the documented consent of the property owner or authorized representative.

(3) For undeveloped land in multi-family, commercial and industrial planning districts.

a) They shall only be temporary pole or monument signs.

9-18.10

9-18.11

b) Number: Only one per public street frontage. An unlimited number of additional lawn signs may be erected during the period preceding and extending no more than 12 days after a general, primary or special election.

c) Number of Sides: No more than 2.

d) Height of Sign: No higher than 12 feet. Additional lawn signs erected during the election period specified above shall be no higher than 3 feet.

e) Sign Face Area: No greater than 64 square feet for properties fronting on arterial or collector streets, and no greater than 32 square feet for properties fronting on local streets. Additional lawn signs erected during the election period specified above shall be no more than 4 square feet.

f) Illumination: Indirect only.

g) Consent: They shall be erected only with the documented consent of the property owner or authorized representative.

(4) Awning Signs

a) Awning signs shall be permitted in commercial and industrial zones only.

SECTION 11. ZONING DISTRICT REGULATIONS

(A) Signs in a Residential Zone. No sign or outdoor advertising of any character shall be permitted in an RS, RD, RL, RM, or RH zone except:

(1) Those signs permitted in Section 5(A)(2) for which no permit is required.

(B) Signs in CO and P Zones. No sign or outdoor advertising of any character shall be permitted in a CO or P zone except the following:

(1) One sign placed flat against the building, not exceeding one-half (½) square foot of sign area per each lineal foot of parcel frontage occupied by such building fronting on a city street. Such sign may be illuminated.

(2) One detached, non-illuminated sign for a business center use, not to exceed 32 square feet in area.

(C) Signs in Commercial and Industrial Zones

No sign or outdoor advertising of any character shall be permitted in a CR, CG, ID, CB, IS, IP, IL or IH zoning district except the following:

9-18.11

9-18.12

(1) A total of 2 signs per each business, which may be wall signs or roof signs, the total combined area of which shall not exceed 50 square feet or 1 square foot per foot of frontage, which ever is greater.

(2) Only one projecting or free standing sign is allowed per business.

(3) No sign shall be illuminated unless the wall of the building or side on which such sign is displayed or painted, or to which such sign is applied or attached, faces upon a street where the property on the opposite side thereof is in a CO, CR, CG, CB, ID, IP, IL, or IH district.

(4) If a building has two or more frontages, each secondary frontage shall be allowed one additional wall sign attached to the building. The area shall be limited to one half square foot of area for each lineal feet of building frontage. Only one principal frontage is allowed per business.

(5) Free standing signs are limited to a maximum height of 35 feet.

(6) Free standing signs are limited to a maximum of 75 square feet in area.

(7) A business fronting on an alley may have one wall or projecting sign attached to the building limited to 16 square feet.

(8) Directional signs, one such sign is permitted near each driveway in a commercial zone. Area of each sign shall not exceed 12 square feet.

(9) Projecting signs are limited to a minimum of 32 square feet in area.

SECTION 12. SIGNS ALLOWED FOR A INTEGRATED BUSINESS CENTER.

(A) One free standing sign with a maximum area of 150 square feet for the business center. The height of such sign is limited to 35 feet.

(B) The business center may have the same directional and temporary signs as allowed in the applicable zoning district.

(C) One wall or roof sign is permitted for each individual business fronting on a street or parking lot, which is limited to a wall or roof sign with an area of the larger of 30 square feet or one square foot per foot of frontage on a street or parking lot.

(D) One Under the Canopy sign for each frontage or each business not to exceed 6 square feet in area.

(E) Individual businesses may also share the principal sign area of the center.

SECTION 13. NONCONFORMING SIGNS.

(A) Existing signs which have been legally erected prior to the effective date of this ordinance either in the City or in those portions of Marion County which were annexed to the City after erection of the sign and do not comply with the provisions of this ordinance are nonconforming signs. They shall be allowed to remain provided they comply with the provisions of this section.

(B) To retain nonconforming sign status, nonconforming signs shall not be structurally altered. The sign face or the copy on the sign face, or both, may be changed without first obtaining a sign permit. Sign maintenance and repair are required and may occur without first obtaining a sign permit.

(C) Nonconforming signs shall comply with the provisions of this ordinance when one or more of the following occurs.

(1) A nonconforming sign is relocated from one location to another location.

(2) A nonconforming sign's structure, including but not limited to the support elements or framework, is changed.

(3) A nonconforming sign is damaged by an act of God, including but not limited to wind, earthquake, floodwater, to the extent that the sign contractor's estimated cost of the repair exceeds by more than 75 percent the original cost of the sign or the cost of the most recent renovation to the sign, whichever is greater. The original cost or cost of the most recent renovation shall be determined by sign value information submitted at the time a sign permit was issued. If such information was not submitted, the property owner or other person having such information shall submit documentation showing the cost.

(4) A sign permit is issued for a new conforming sign on the same property or on adjoining property under the same ownership containing a nonconforming sign of the same type as the one for which the sign permit is issued. A "sign of the same type" means a pole sign for a pole sign or a monument sign for a monument sign or a wall sign for a wall sign. Before a new conforming sign is constructed all nonconforming signs of the same type, on the same property or on adjoining property under the same ownership shall be brought into conformance. The Building Official shall issue a sign permit for a new conforming sign provided the following condition of approval, or condition with words to the same effect, is stated on the permit,

"A nonconforming sign of the same type for which this sign permit is issued and located on the same property or on adjoining property under the same ownership shall be brought into conformance prior to erecting the new conforming sign approved by this sign permit."

The condition shall be met by removing the nonconforming sign.

9-18.13

9-18.15

(D) Signs for which variances were granted prior to the effective date of this ordinance may remain provided the provisions of the variance approval are met.

SECTION 14. VARIANCES

All request for variances to this ordinance shall be processed in accordance with the variance procedures set forth in the Woodburn Zoning Ordinance.

SECTION 15. PENALTIES/INSPECTION/ENFORCEMENT

(A) Penalties. It is a violation of this ordinance to fail to comply with or to violate any of the provisions of this ordinance or to erect, maintain or use a sign contrary to this ordinance. In addition to the remedies provided by this section, a violation of any provision of this ordinance may also be enforced in accordance with the City of Woodburn Civil Infractions Ordinance. Each day that a violation exists shall constitute a separate offense.

(B) Inspection. All signs for which a sign permit is required shall be subject to inspection by the Community Development Director and/or the Building Official or other appropriate inspector. Inspection may include, but shall not be limited to the following:

(1) Site inspection to ensure compliance with the sign permit and any provisions in this ordinance.

(2) Structural inspection, including but not limited to braces, anchors, supports and wall connections.

(C) Enforcement. The Community Development Director is authorized to enforce the provisions of this ordinance and to direct the removal of any illegal sign in accordance with this ordinance and the City of Woodburn Civil Infractions Ordinance.

(D) Responsibility for Sign Violations. It is intended that sign violations be enforced even though the responsible party does not knowingly or intentionally violate the provisions of this ordinance. The mere fact that a violation exists and that a person is responsible or owns or controls the property on which the sign violation occurs is sufficient to initiate enforcement proceedings and impose forfeitures. A person may be found liable or responsible for an alleged sign violation by reason of ownership, control, possession or use of the sign, by having constructed or erected the sign, by ownership, control or possession of the property on which the sign exists or has existed or by reason of such person being the proximate cause of such sign's condition.

(E) Cumulative Remedies. The rights, remedies and penalties provided in this ordinance are cumulative and not mutually exclusive, and are in addition to any other rights, remedies and penalties available to the City under any other provisions of law. All officials, departments and employees of the City vested with authority to issue permits or grant approvals shall adhere to and require conformance with this

9-18.15

9-18.18

ordinance, and shall issue no permit or grant approval for any sign which violates or fails to comply with the conditions of or standards imposed by this ordinance. Any permit or approval issued or granted in conflict with the provisions of this ordinance, whether intentional or otherwise, shall be void.

SECTION 16. REPEAL OF PRIOR ORDINANCE. Ordinance Number 1827 adopted on July 26, 1983, is repealed.

SECTION 17. SEPARABILITY CLAUSE. If any provision of this ordinance should be declared void or unenforceable by a court of competent jurisdiction, then the remaining portions of this ordinance shall remain in full force and effect.

SECTION 18. [Emergency clause.]

Passed by the Council September 28, 1992 and approved by the Mayor September 30, 1992.

ORDINANCE NO. 2293

AN ORDINANCE ADOPTING CERTAIN STATE SPECIALTY CODES; SETTING FORTH THE POWERS AND DUTIES OF THE BUILDING OFFICIAL; PROVIDING FOR PROCEDURES AND FEES; ESTABLISHING PENALTY PROVISIONS; REPEALING ORDINANCES 2071, 2212 AND 2228 AND DECLARING AN EMERGENCY.

(Whereas clauses.)

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Definitions. For the purpose of this Ordinance, the following terms shall mean:

- A. Building Official - means the City of Woodburn Building Official who is responsible for building inspections and with the administration and enforcement of this ordinance.
- B. State Building Code - or “the code” means the combined specialty codes adopted by this ordinance.

Section 2. State Codes Adopted. The following codes, standards and rules are adopted and by this reference incorporated herein and shall be in force and effect within the corporate boundaries of the City of Woodburn:

A. 2000 Oregon Structural Specialty Code (based upon the 1997 edition of the Uniform Building Code) including the following provisions:

- 1. Section 102 (Unsafe Buildings or Structures).
- 2. Section 104.2.6 (Liability).
- 3. Section 104.2.10 (Cooperation of Other Officials and Officers).
- 4. Section 3402 (Maintenance).
- 5. Appendix Chapter 9, Division III (Multi-Family Fire Sprinkler Requirements).

B. 1999 Oregon Mechanical Specialty Code (based upon the 1998 edition of the International Mechanical Code).

C. 2000 Oregon One and Two Family Dwelling Specialty Code.

D. 1999 National Fire Protection Association 13 Sprinkler Code. (Sprinkler Installation Standards).

E. 1997 Oregon Manufactured Dwelling Standard.

9-27.2

9-27.7

F. 2000 Oregon Electrical Specialty Code (based upon the 1999 edition of the National Electrical Code).

G. 2000 Oregon Plumbing Specialty Code (based upon the 1997 edition of the Uniform Plumbing Code).

Section 3. Powers and Duties of the Building Official. The building official shall have the power to render interpretations and to adopt and enforce administrative procedures. Such interpretations, rules, and regulations shall be in conformance with the intent and purpose of the code.

Section 4. Right of Entry. When it is necessary to make an inspection to enforce the state building code, or when the building official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of the code which makes the building or premises unsafe, dangerous or hazardous, the building official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by the code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

Section 5. Stop Work Orders. Whenever any work is being done contrary to the provisions of the state building code, or other pertinent laws or ordinances implemented through the enforcement of the code, the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the building official to proceed with the work.

Section 6. Authority to Disconnect Utilities in Emergencies. The building official or the building official's authorized representative shall have the authority to disconnect fuel-gas utility service, or energy supplies to a building, structure, premises or equipment regulated by the state building code in case of emergency when necessary to eliminate an immediate hazard to life or property. The building official shall, whenever possible, notify the serving utility, the owner and occupant of the building, structure or premises of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or premises in writing of such disconnection immediately thereafter.

Section 7. Connection After Order to Disconnect. Persons shall not make connections from an energy, fuel or power supply nor supply energy or fuel to any equipment regulated by the state building code which has been disconnected or ordered to be disconnected by the building official, or the use of which has been ordered to be discontinued by the building official, until the building official authorizes the reconnecting and use of such equipment.

9-27.8

9-27.9

Section 8. Occupancy Violations. Whenever any building or structure or equipment is being used contrary to the provisions of the state building code, the building official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use. Such person shall discontinue the use within the time prescribed by the building official after receipt of such notice to make the structure, or portion thereof, comply with the requirements of the code.

Section 9. Appeals Process. When there is an appeal of a staff interpretation of the state building code during plan review or inspection, the aggrieved persons shall be notified of the provisions of ORS 455.475 and the following procedures:

A. Plan Review. In an informal appeal of a plans examiner's decision the plans examiner shall refer the request and any related information to the building official who, in consultation with appropriate technical staff, shall review the request and made a final determination in writing to the applicant within 15 days.

In an informal appeal of the building official's decision, the request shall be forwarded to the appropriate state board for final action. The appeal shall be sent to the Department of Consumer Business Services, accompanied by the required fee, a completed appeal form of the department, and justification for the request along with any supporting information. (ORS 455.690)

B. Inspection. When there is an appeal of a field inspector's interpretation of a particular code, the following process shall be used:

1. The field inspector shall refer the customer and related information to the building official. The building official, in consultation with appropriate technical staff, shall review the request and make a final decision in writing to the customer within 15 days.

2. Formal appeals of the building official shall be forwarded to the appropriate state board for final action. The appeals shall be sent to the Department of Consumer Business Services, accompanied by the required fee, a completed appeal form of the department, and justification for the request along with any supporting information. (ORS 455.690)

3. In accordance with ORS 455.690, any person aggrieved by a final decision may, within 30 days after the date of the decision, appeal to the appropriate state advisory board as listed below:

Structural Code - Building Codes Structures Board
 Mechanical Code - Building Codes Structures Board
 Dwelling Code - Building Codes Structures Board
 Plumbing Code - Plumbing Board
 Manufactured Home Installation Standard - Manufactured Structures & Parks Board.
 Park & Camp Rules - Manufactured Structures & Parks Board

9-27.9

9-27.15

C. Appeals of Board Decisions. Judicial review of the decision of advisory boards shall be available as provided in Oregon Revised Statutes Chapter 183.

Section 10. Permits Not Transferable. A permit issued to one person or firm is not transferable and shall not permit any other person or firm to perform any work thereunder.

Section 11. Suspension/Revocation. The building official may, in writing, suspend or revoke a permit issued under the provisions of the state building code whenever the permit is issued in error or on the bases of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of the code.

Section 12. Inspections. It shall be the duty of the permit holder or his agent to request all necessary inspections in a timely manner, provide access to the site, and provide all necessary equipment as determined by the building official. The permit holder shall not proceed with the building construction until authorized by the building official. It shall be the duty of the permit holder to cause the work to remain accessible and exposed for inspection purposes. Any expense incurred by the permit holder to remove or replace any material required for proper inspection shall be the responsibility of the permit holder or his agent.

Section 13. Fees.

A. Fees for permits, inspections, plan checks, site plan review, copy costs, and such other fees that the City Council deems reasonable in order to administer this ordinance shall be set by ordinance or resolution.

B. The building official may authorize the refunding of fees paid in accordance with the refund policy in effect.

C. The determination of value or valuation under any provisions of the state building code shall be made by the building official. The value to be used in computing the building permit and plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

Section 14. Savings Clause. If any section, paragraph, subdivision, clause, sentence, or provisions of the ordinance shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of the ordinance.

Section 15. Violation-Penalty-Remedies.

A. No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, occupy or maintain a building or structure in the city, or cause the same to be done contrary to or in violation of this ordinance.

9-27.15

9-27.17

B. No person shall install, alter, replace, improve, convert, equip or maintain any mechanical equipment or system in the city, or cause the same to be done contrary to or in violation of this ordinance.

C. No person shall install, alter, replace, improve, convert, equip or maintain any plumbing or drainage piping work or any fixture or water heating or treating equipment in the city, or cause the same to be done contrary to or in violation of this ordinance.

D. No person shall install, alter, replace, improve, convert, equip or maintain any electrical equipment or system in the city, or cause the same to be done contrary to or in violation of this ordinance.

E. Violation of a provision of this chapter constitutes a Class 1 civil infraction and shall be processed accordance with the procedures set forth in the civil infractions ordinance.

F. Each day that a violation of a provision of this chapter exists constitutes a separate violation.

G. Notwithstanding the other remedies in this chapter, if the building official determines that any building under construction, mechanical work, electrical work, or plumbing work on any building or any structure poses an immediate threat to the public health, safety or welfare, the building official may order the work halted and the building or structure vacated pending further action by the city and its legal counsel.

H. The penalties and remedies provided in this section are not exclusive and are in addition to other penalties and remedies available under city ordinance or state statute.

Section 16. Repeal. Ordinance Nos. 2071, 2212 and 2228 are hereby repealed.

Section 17. [Emergency clause.]

Passed by the Council and approved by the Mayor June 25, 2001.